



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Zeryck et al.

Application No.: 09/375,331      Group No.: 2126  
 Filed: August 17, 1999      Examiner: Hoang, P.  
 For: Computer Architecture Utilizing Layered Devices

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Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Technology Center 2100

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
 BEFORE MAILING DATE OF EITHER A FINAL ACTION  
 OR NOTICE OF ALLOWANCE (37 C.F.R. SECTION 1.97(c))**

**NOTE:** An information disclosure statement shall be considered by the Office if filed . . . before the mailing date of either (1) a final action under Section 1.113 or (2) a notice of allowance under Section 1.311, whichever occurs first, provided the statement is accompanied by either a statement as specified in paragraph (e) of Section 1.97 or the fee set forth in Section 1.17(p).

**NOTE:** "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a

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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

[x] deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: March 9, 2004

## FACSIMILE

[ ]transmitted by facsimile to the Patent and Trademark Office (703) \_\_\_\_\_.

Signature

Robert M. Asher  
 (type or print name of person certifying)

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*certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

### **TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

- (1) a final action under Section 1.113 or
- (2) a notice of allowance under Section 1.311,

whichever occurs first.

### **STATEMENT OR FEE**

2. Accompanying this transmittal is

*(check either A or B below)*

A.  a statement as specified in 37 C.F.R. Section 1.97(e).

**OR**

B.  the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

### **FEE PAYMENT**

*(complete this item, if applicable)*

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c) (\$180.00).

Fee due \$180.00

### METHOD OF PAYMENT OF FEE

4.

[x] Attached is a check in the amount of \$ 180.00.

[ ] Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.

A duplicate of this request is attached.

If any additional fees are due, please charge Account #19-4972.



SIGNATURE OF PRACTITIONER

Reg. No. 30,445

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